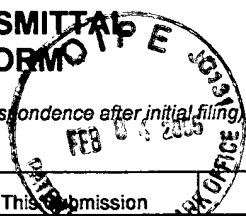
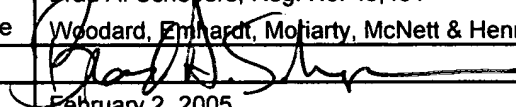



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TRANSMITTAL FORM (to be used for all correspondence after initial filing) 	Application Number	10/756,970
	Filing Date	January 13, 2004
	First Named Inventor	Kevin T. Foley
	Art Unit	3731
	Examiner Name	Unassigned
	Attorney Docket Number	4002-3443/PC444.06
Total Number of Pages in This Submission		

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawings <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="text"/>	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard Copies of Non-patent References
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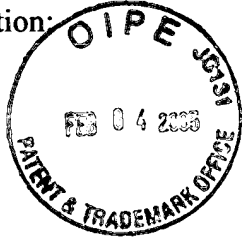
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application:
Kevin T. Foley

Serial No. 10/756,970

Filed January 13, 2004

SURGICAL INSTRUMENTATION
AND METHOD FOR TREATMENT
OF THE SPINE



Before the Examiner
(Not Assigned)

Group Art Unit 3731

Our Ref.: 4002-3443/PC444.06

February 2, 2005

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
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Alexandria, VA 22313-1450

Dear Sir:

Pursuant to the duty of disclosure embodied in 37 C.F.R. §1.56, Applicants wish to bring to the attention of the Examiner the items of information listed on the enclosed Information Disclosure Citation form. Copies of the U.S. patents and/or U.S. patent application publications listed in this IDS form are not being provided herewith since the requirements for submitting such documents under 37 CFR 1.98 (a)(2)(i) have been waived with regard to applications filed or nationalized subsequent to June 30, 2003. Copies of foreign references and non-patent references are provided when applicable.

Information Disclosure Statement
SURGICAL INSTRUMENTATION AND METHOD
FOR TREATMENT OF THE SPINE
Filed January 13, 2004
Inventor: Kevin T. Foley
Page 1 of 2

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This Statement is being submitted under 37 CFR 1.97(b) before the occurrence of one or more of the following: (a) receipt of a First Office Action on the merits, (b) passage of three (3) months from the application filing date, or passage of three (3) months from the date entry of the national stage. Accordingly, it is believed that no fee is due. However, should any fee be required, please charge such fee to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted,

By: 

Brad A. Schepers

Reg. No. 45,431

Woodard, Emhardt, Moriarty,

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Indianapolis, IN 46204-5137

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Application Number

10/756,970

Filing Date

January 13, 2004

First Named Inventor

Kevin T. Foley

Group Art Unit

3731

Examiner Name

Unassigned

Attorney Docket Number

4002-3443/PC444.06

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		4,313,434	02-02-1982	Segal	
		4,545,374	10-08-1985	Jacobson	
		4,603,694	08-05-1986	Wheeler	
		4,969,888	11-13-1990	Scholten et al.	
		4,990,148	02-05-1991	Worrick III et al.	
		5,062,845	11-05-1991	Kuslich et al.	
		5,112,346	05-12-1992	Hiltebrandt et al.	
		5,431,676	07-11-1995	Dubrul et al.	
		5,445,639	08-29-1995	Kuslich et al.	
		5,484,441	01-16-1996	Koros et al.	
		5,562,736	10-08-1996	Ray et al.	
		5,653,713	08-05-1997	Michelson	
		5,913,867	06-22-1999	Dion	
		5,928,239	07-27-1999	Mirza	
		6,004,326	12-21-1999	Castro et al.	
		6,066,154	05-23-2000	Reiley et al.	
		6,080,174	06-27-2000	Dubrul et al.	
		6,142,997	11-07-2000	Michelson	

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				Filing Date	January 13, 2004
				First Named Inventor	Kevin T. Foley
				Group Art Unit	3731
				Examiner Name	Unassigned
				Attorney Docket Number	4002-3443/PC444.06

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		Number-Kind Code ² (if known)			
		6,200,320	03-13-2001	Michelson	
		6,224,604	05-01-2001	Suddaby	
		6,235,043	05-22-2001	Reiley et al.	
		6,241,734	06-05-2001	Scribner et al.	
		6,248,110	06-19-2001	Reiley et al.	
		6,280,456	08-28-2001	Scribner et al.	
		6,379,364	04-30-2002	Brace et al.	
		6,383,188	05-07-2002	Kuslich et al.	
		6,395,007	05-28-2002	Bhatnagar et al.	
		6,423,083	07-23-2002	Reiley et al.	
		6,440,138	08-27-2002	Reiley et al.	
		6,468,279	10-22-2002	Reo	
		6,485,456	11-26-2002	Kletschka	
		6,530,933	03-11-2003	Yeung et al.	
		6,575,919	06-10-2003	Reiley et al.	
		6,575,978	06-10-2003	Peterson et al.	
		6,582,439	06-24-2003	Sproul	
		6,582,446	06-24-2003	Marchosky	

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Attorney Docket Number	4002-3443/PC444.06

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		Number-Kind Code ² (if known)			
		6,599,291	07-29-2003	Foley et al.	
		6,607,544	08-19-2003	Boucher et al.	
		6,613,018	09-02-2003	Bagga et al.	
		6,623,505	09-23-2003	Scribner et al.	
		6,626,905	09-30-2003	Schmiel et al.	
		6,641,587	11-04-2003	Scribner et al.	
		6,663,647	12-16-2003	Reiley et al.	
		6,676,665	01-13-2004	Foley et al.	
		6,679,886	01-20-2004	Weikel et al.	
		6,682,535	01-27-2004	Hoogland	
		6,716,216	04-06-2004	Boucher et al.	
		6,719,761	04-13-2004	Reiley et al.	
		6,719,773	04-13-2004	Boucher et al.	
		6,726,691	04-27-2004	Osorio et al.	
		6,730,095	05-04-2004	Olson, Jr. et al.	
		6,746,451	06-08-2004	Middleton et al.	
		US 2001-0034526	10-25-2001	Kuslich et al.	
		US 2001-0034527	10-25-2001	Scribner et al.	

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Application Number	10/756,970
Filing Date	January 13, 2004
First Named Inventor	Kevin T. Foley
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		Number-Kind Code ² (if known)			
		US 2002-0010471	01-24-2002	Wironen et al.	
		US 2002-0013600	01-31-2002	Scribner et al.	
		US 2002-0020431	02-21-2002	Chou	
		US 2002-0022856	02-21-2002	Johnson et al.	
		US 2002-0026197	02-28-2002	Foley et al.	
		US 2002-0068939	06-06-2002	Levy et al.	
		US 2002-0082605	06-27-2002	Reiley et al.	
		US 2002-0099385	07-25-2002	Ralph et al.	
		US 2002-0120240	08-29-2002	Bagga et al.	
		US 2002-0156483	10-24-2002	Voellmicke et al.	
		US 2002-0161373	10-31-2002	Osorio et al.	
		US 2002-0173796	11-21-2002	Cragg	
		US 2002-0173813	11-21-2002	Peterson et al.	
		US 2002-0188299	12-12-2002	Reiley et al.	
		US 2002-0188300	12-12-2002	Arramon et al.	
		US 2003-0004530	01-02-2003	Reo	
		US 2003-0032963	02-13-2003	Reiss et al.	
		US 2003-0036763	02-20-2003	Bhatnagar et al.	

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		Number-Kind Code ² (if known)			
		US 2003-0078589	04-24-2003	Preissman	
		US 2003-0125747	07-03-2003	Sproul	
		US 2003-0144670	07-31-2003	Pavcnik et al.	
		US 2003-0195518	10-16-2003	Cragg	
		US 2003-0195547	10-16-2003	Scribner et al.	
		US 2003-0220650	11-27-2003	Major et al.	
		US 2003-0233096	12-18-2003	Osorio et al.	
		US 2004-0002713	01-01-2004	Olson et al.	
		US 2004-0024410	02-05-2004	Olson et al.	
		US 2004-0052829	03-18-2004	Shimp	
		US 2004-0064058	04-01-2004	McKay	
		US 2004-0068264	04-08-2004	Treace	
		US 2004-0068267	04-08-2004	Harvie et al.	
		US 2004-0092946	05-13-2004	Bagga et al.	
		US 2004-0102845	05-27-2004	Reynolds	

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		Filing Date	January 13, 2004		
		First Named Inventor	Kevin T. Foley		
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		WALTER DICK, Internal Fixation of Thoracic and Lumbar Spine Fractures, 1943, Hans Huber Publishers, 130 pages	
		H.G. EDELAND, Open Reduction of Central Compression Fractures of the Tibial Plateau, Preliminary Report of a New Method and Device Arrangement, Department of Orthopaedic Surgery, Central Hospital, Molndal, Sweden, 1976, Acta orthop. scand. 47, 686-689	
		N. ZEMLYAK, The Method of Endoprosthetic Replacement of the Coxofemoral Joint, Description of Invention (Supplement to the Certificate of Authorship), 04/12/1983, SU 1148610A, U.S.S.R. State Committee on Inventions and Discoveries, 5 pages	
		H. DANIAUX, Transpedicular Repositioning and Spongiosaplasty in Fractures of Vertebral Bodies of the Lower Thoracic and Lumbar Spine (German), 1986, Unfallchirurg (Trauma Surgeon), University Clinic for Traumatologic Surgery, Innsbruck, 89:197-213, 17 pages	
		H. DANIAUX, Transpedicular Repositioning and Spongiosaplasty in Fractures of Vertebral Bodies of the Lower Thoracic and Lumbar Spine (English), 1986, Unfallchirurg (Trauma Surgeon), University Clinic for Traumatologic Surgery, Innsbruck, 89:197-213, 14 pages	
		NIKOLAUS NICOLA M.D. and EVALDO LINS M.D., Vertebral Hemangioma: Retrograde Embolization - Stabilization with Methyl Methacrylate, Department of Neurosurgery and Neuroradiology, University of Dusseldorf, Federal Republic of Germany, 1987, Elsevier Science Publishing Co., Inc., 27:481-6, 6 pages	
		P. GALIBERT, H. DERAMOND, P. ROSAT, D. LE GARS, Preliminary Note on Treatment of Spinal Angiomas by Percutaneous Acrylic Vertebroplasty (French and English), 1987, Masson, Paris, Neurosurgery Dept., Regional University Hospital Center, PO Box 3006, 80030 Amiens Cedex, France, 33:166-168, 5 pages	
		C. LAPRAS, C. MOTTOLESE, R. DERUTY, CH. LAPRAS JR., J. REMOND, J. DUQUESNEL, Percutaneous Injection of Methylmethacrylate in the Treatment of Severe Vertebral Osteoporosis and Osteolysis (P. Galibert Technique), 1989, Annales De Pediatrie, Paris Cedex, France, 43, 5, 371-376, 11 pages	
		P. GALIBERT, H. DERAMOND, Percutaneous Acrylic Vertebroplasty as Treatment for Spinal Angiomas and Painful, Debilitating Spinal Conditions, 1990, Masson, Paris, 116, p. 326-335, 18 pages	
		DR. MATTHIAS RICHTER-TURTUR, Instrument for Treatment of Vertebral Fracture, 02/07/1991, DE 39 22 044 A1, 9 pages	
		H. DERAMOND, P. GALIBERT, C. DEPRIESTER-DEBUSSCHE, Percutaneous Intraosseous Injections in Palliative Treatment of Bone Metastases, Amiens University Hospital Center, Place Victor-Pauchet, 80054 Amiens Cedex 1, France, p. 36-40, 9 pages	
		YVES BASCOULERGUE MD, J. DUQUESNEL MD, R. LECLERCQ MD, C. MOTTOLESE MD, C. LAPRAS MD, Percutaneous Injection of Methyl Methacrylate in the Vertebral Body for the Treatment of Various Diseases: Percutaneous Vertebroplasty, 1205, 1 page	

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